

Charles B. 2.13.18

## UNITED STATES DISTRICT COURT

**FILED**

for the

FEB 13 2018

WESTERN

DISTRICT OF

OKLAHOMA

In the Matter of the Search of )

Samsung Galaxy S8+ cell phone, )  
 model 5M-G955U, FCC ID A3LSMG955U, )  
 IMEI: 357725083413279. )

Case No: M-18-

CARMELITA REEDER SHINN, CLERK  
 U.S. DIST. COURT, WESTERN DIST. OKLA.  
 BY [Signature] DEPUTY

92-BMJ

**APPLICATION FOR SEARCH WARRANT**

I, Timothy Bressman, a United States Secret Service Special Agent, request a search warrant and state under penalty of perjury that I have reason to believe that on the following property:

See Attachment A, which is incorporated by reference herein.

Located in the Western District of Oklahoma, there is now concealed:

See Attachment B, which is incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of the crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

*Code Section*

18 U.S.C. § 1344  
 18 U.S.C. § 1028A  
 18 U.S.C. § 513

*Offense Description*

Bank Fraud  
 Aggravated Identity Theft  
 Uttering Counterfeited Securities

The application is based on these facts:

See attached Affidavit, which is incorporated by reference herein.

- ☒ Continued on the attached sheet(s).
- ☐ Delayed notice of [No. of Days] days (give exact ending date if more than 30 days) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).



Timothy Bressman, Special Agent, USSS

Sworn to before me and signed in my presence.

Date: February 13, 2018



Judge's signature

City and State: Oklahoma City, Oklahoma

BERNARD M. JONES, U.S. Magistrate Judge

Printed name and title

## **AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Timothy Bressman, a Special Agent with the United States Secret Service, being duly sworn, hereby depose and state as follows:

### **Introduction**

1. I have been a Special Agent since July of 2016. I am assigned to the Oklahoma City Office of Investigations and United States Secret Service Oklahoma City Economic and Identity Crimes Task Force (the “task force”). As a Special Agent and a member of the task force, I have conducted and assisted other agents with numerous investigations involving criminal violations of Title 18 of the United States Code, including counterfeited securities, mail theft, mail fraud, bank fraud, and identity theft.

2. I am experienced in executing search warrants and debriefing defendants, witnesses, informants, and other persons who have knowledge of specific crimes in violation of the above-mentioned title of the United States Code.

3. Based on my training and experience, I know that individuals who commit financial crimes utilize cell phones to maintain contact with clients and associates. Furthermore, based on my training and experience, I know that individuals who commit financial crimes often utilize e-mails, text messages, and other communication software to communicate with their clients and/or associates.

4. I submit this affidavit in support of an application for a warrant to search the Samsung Galaxy S8+ cell phone, model 5M-G955U, FCC ID A3LSMG955U, IMEI: 357725083413279 (the “subject phone”), as described in Attachment A. This affidavit sets forth facts to establish probable cause to believe that the subject phone contains

evidence, contraband, fruits, and instrumentalities of illegal activity in violation of, among other statutes, 18 U.S.C. § 1344 (bank fraud), 18 U.S.C. § 1028A (aggravated identity theft), and 18 U.S.C. § 513 (uttering counterfeited securities). The subject phone is currently located at the United States Secret Service, 210 Park Avenue, Suite 1100, Oklahoma City, Oklahoma 73102.

5. Since I am submitting this affidavit for the limited purpose of securing a search warrant, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant. This affidavit is based on my own personal knowledge, as well as information provided by records, databases and other law enforcement officers.

### **The Investigation**

6. Jesse Manquan Yarclay ("Yarclay") is a convicted felon with a history of engaging in fraudulent activity involving identity theft and producing and uttering counterfeited checks. On July 14, 2017, officers with the Canadian County Sheriff's Office executed a state search warrant on Yarclay's 2017 recreational vehicle ("RV") in Yukon, Oklahoma. Officers seized several counterfeit Oklahoma identification cards; mail belonging to other addresses; card stock used to print checks; computer and printer equipment used to manufacture counterfeited checks; forged and counterfeited checks; two stolen firearms; \$3,290.00 in counterfeit United States currency; and two cell phones and a tablet. Officers forensically examined the two cell phones and tablet and recovered several images of checks, identification documents, and firearms from the electronic

devices. Although Yarclay was not arrested at the time on these charges, the task force opened an investigation into the fraudulent conduct involving bank fraud and producing and uttering counterfeited securities.

7. On or about December 2, 2017, while the task force was continuing its investigation into Yarclay, one or more persons broke into the mailbox at Rew Materials, a construction products distributor located in Oklahoma City, and stole all of the contents, including incoming checks. Soon after this incident, Rausch Coleman Homes, a residential homebuilder with an office in Oklahoma City, reported that its Arvest Bank business account XXXXXX74 had been compromised and several forged or counterfeited checks drawn on this account had been negotiated throughout the Oklahoma City area and southwestern Oklahoma. Rausch Coleman Homes had mailed an unknown number of checks to Rew Materials for products and services around December 2, 2017.

8. Task force members have confirmed that between December 6, 2017, and December 19, 2017, several individuals, including Yarclay, negotiated 15 forged or counterfeited checks drawn on the Rausch Coleman Homes Arvest Bank business account XXXXXX74 at Arvest Bank branches, defrauding Arvest Bank out of approximately \$138,000.00.

9. While investigating the fraud involving Arvest Bank, task force members discovered a similar fraud that had been committed against Liberty National Bank. On January 5, 2018, representatives from Liberty National Bank reported to the task force that two individuals had cashed altered or counterfeited checks at branches in

southwestern Oklahoma. Task force members have confirmed that between November 20, 2017, and December 28, 2017, two individuals, one of whom has been identified as Yarclay, negotiated five forged or counterfeited checks at Liberty National Bank branches in Chickasha, Gore, and Elgin, defrauding Liberty National Bank out of approximately \$10,264.00.

10. Task force members confirmed Yarclay was driving a black Chevrolet Silverado 2500, Texas license plate JSB 8801, with a toolbox located in the bed of the truck with the name “Jesse Yarclay” on top of the toolbox, when the altered or counterfeited checks were negotiated. For example, on November 25, 2017, surveillance images show Yarclay driving this truck to the drive-through lane of Liberty National Bank in Gore and presenting the Oklahoma identification document of “Isaiah Eric Martin” to cash counterfeited check number 41255 for \$2,340.55. Task force members verified the Texas license plate is registered to Jesse Manquan Yarclay at an address in Arlington, Texas.

11. Based on this information, a task force member presented a criminal complaint on January 31, 2018, requesting an arrest warrant for Yarclay. On that same date, the Honorable United States Magistrate Judge Purcell issued an arrest warrant for Yarclay based on a finding that Yarclay had committed various crimes, including bank fraud, aggravated identity theft, and uttering counterfeited securities. *See United States v. Jesse Yarclay*, M-18-64-P.

12. On February 1, 2018, Yarclay attempted to defraud the Liberty National Bank located at 629 Southwest C Avenue in Lawton. Yarclay posed as “Isaiah Eric

Martin” and provided an identification card bearing that name. Yarclay also provided a counterfeited check drawn on a valid account of a Liberty National Bank customer and attempted to cash the check. The bank representative suspected the check was fraudulent and refused to cash it for Yarclay. The bank president confronted Yarclay just outside of the bank and attempted to prevent him from leaving before officers arrived. Yarclay then threatened violence if anyone attempted to apprehend him. Yarclay fled the scene driving his black truck. Officers responded and were unable to locate him.

13. At approximately 9:30 p.m. on February 1, 2018, a task force member contacted T-Mobile, provided Yarclay’s phone number, and requested T-Mobile ping Yarclay’s phone. T-Mobile pinged the phone and identified a radius of approximately 1,000 feet near the Comanche Nation Casino in Lawton, Oklahoma as the location of the phone. The task force member provided this information to law enforcement officers in the Lawton area. Soon after relaying this information, a law enforcement officer located Yarclay’s black truck in the parking lot of the Comanche Nation Casino located at 402 SE Interstate Drive, Lawton, Oklahoma, 73501. Task force members responded and started surveilling the truck.

14. At approximately 10:00 p.m. on February 1, 2018, a law enforcement officer completed the “T-Mobile / METRO PCS Exigent Form” to obtain continuous location information of Yarclay’s phone. The form required the applicant to “certify that I am employed by the above named government entity and have been granted authority by the entity to determine and declare an exigent circumstance involving” one of four options. The law enforcement officer selected the option “conspiratorial activities

threatening the national security interest.” The law enforcement officer then provided the following facts to establish the exigent/emergency situation:

[A]t approximately 16:30 subject Yarclay entered Liberty National Bank in Lawton, OK attempted to pass counterfeit document and then became aggressive and violent using a firearm. Subject then fled.

15. T-Mobile representatives began providing continuous location information for Yarclay’s phone, which led task force members to Buffalo Bob’s RV Park in Lawton, where they located Yarclay’s 2017 Sandpiper RV. Task force members confirmed that the RV’s Texas license plate B17-6068 is registered to Jesse Manquan Yarclay of Arlington, Texas. Additionally, this RV is the same RV that the Canadian County Sheriff’s Office searched in July 2017 pursuant to a state search warrant.

16. On February 2, 2019, task force members ultimately identified Yarclay in a rental car at a Lawton grocery store. Task force members followed Yarclay from the grocery store to the RV. Task force members arrested Yarclay after he entered the RV. Task force members conducted a pat down of Yarclay, and found the subject phone as well as approximately \$5,200.00 in cash.

17. Yarclay has been uttering counterfeited checks, most recently, since at least November 2017. Yarclay attempted to utter a counterfeited check as late as February 1, 2018. In light of the evidence seized from Yarclay’s RV in July 2017, which included counterfeited checks and identification documents, coupled with the results of the forensic examinations of the cell phones and tablet from devices seized during that search, it is reasonable to believe that the subject phone contains evidence of Yarclay’s current fraudulent conduct.

**Conclusion**

18. Based on the above information, I respectfully submit there is probable cause to believe the subject phone described in Attachment A that is located at the United States Secret Service, 210 Park Avenue, Suite 1100, Oklahoma City, Oklahoma 73102, contains evidence of violations of 18 U.S.C. §§ 513, 1028A, and 1344, among others. The items listed in Attachment B are evidence of these crimes, contraband, and fruits of these crimes.

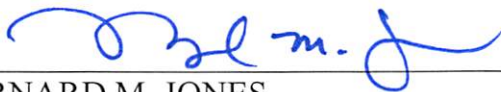
Therefore, I respectfully request that a search warrant be issued, authorizing the search of the subject phone described in Attachment A, and for the seizure of the items listed in Attachment B.



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Timothy Bressman  
Special Agent, USSS

Subscribed to and sworn before me on February 13, 2018.



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BERNARD M. JONES  
United States Magistrate Judge



**ATTACHMENT A**

**DESCRIPTION OF DEVICE TO BE SEARCHED**

The subject phone to be searched is described as follows:

Samsung Galaxy S8+ cell phone, model 5M-G955U, FCC ID A3LSMG955U,  
IMEI: 357725083413279.

The subject phone is located at the United States Secret Service, 210 Park Avenue,  
Suite 1100, Oklahoma City, Oklahoma 73102.



B8  
TB

**ATTACHMENT B**

**ITEMS TO BE SEIZED**

Electronically stored information, including, but not limited to: the phone directory and/or contacts list, calendar, text messages, multi-media messages, e-mail messages, call logs, photographs, and videos, related to violations of Title 18, United States Code, Sections 513, 922(g), 1028A, and 1344.

B-8  
T/B